

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL J. COLLINS,

Plaintiff,

v.

STATE OF WASHINGTON
DEPARTMENT OF LABOR &
INDUSTRIES and DAVID A. IVERSON, et
al,

Defendants.

Case No. CV10-5247 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Application to Proceed *In Forma Pauperis* and proposed Complaint. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

On April 5, 2010 this Court previously denied plaintiff's application and dismissed his complaint without prejudice as to the same defendants and raising the same claims. The complaint was dismissed without prejudice so as to afford plaintiff the opportunity to proceed with his claims to the extent that he may in state court. [See C10-5011RBL]. This Court is without subject matter jurisdiction to afford plaintiff the relief he seeks. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923); *Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486-87 (1983). Plaintiff's new proposed complaint does not cure the problems with this Court's jurisdiction.

1 Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED** and his Complaint is
2 **DISMISSED** without prejudice. Plaintiff may not re-file an action in this Court against the named
3 defendants or arising out of the denial of his workers' compensation benefits.

4 **IT IS SO ORDERED.**

5 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
6 appearing pro se.

7 Dated this 17th day of May, 2010.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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